

EXHIBIT 2

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HAITIAN-AMERICANS UNITED, INC.,)
BRAZILIAN WORKER CENTER,)
CHELSEA COLLABORATIVE, INC. and)
CENTRO PRESENTE,)
Plaintiffs,)
v.)
DONALD J. TRUMP, President of the)
United States in his Official Capacity,)
UNITED STATES DEPARTMENT OF)
COMMERCE, UNITED STATES)
BUREAU OF THE CENSUS, STEVEN)
DILLINGHAM, Director of the U.S.)
Census Bureau in his Official Capacity,)
and WILBUR ROSS, Secretary of the)
Department of Commerce in his Official)
Capacity,)
Defendants.)

Case No. 20-11421-DPW-BMS-PBS

NOTICE OF DEPOSITION

TO: Elliott M. Davis, Esq.
Trial Attorney
Civil Division, Federal Programs Branch
U.S. Department of Justice
1100 L St. NW
Washington, D.C. 20005
elliott.m.davis@usdoj.gov

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiffs will take the deposition upon oral examination of Defendant United States Census Bureau on October 16, 2020, concerning the subject matters listed on Schedule A attached hereto. The deposition will commence at 10:00 a.m. Eastern Standard Time and will continue from

day to day until completed. The deposition will be recorded by videotape and stenographic means, will be conducted under oath, and will take place via videoconference before a Notary Public or other officer duly authorized to administer oaths in the Commonwealth of Massachusetts. You are invited to attend and cross-examine the witness.

Pursuant to Fed. R. Civ. P. 30(b)(6), Plaintiffs hereby advise Defendant that it is obligated to designate one or more officers, directors, managing agents, or other persons who consent to testify on its behalf, as to information known or reasonably available to it with respect to the subject matters listed on Schedule A, which is attached hereto and incorporated by reference as if fully set forth herein. Plaintiffs request that Defendant provide written notice at least three (3) business days before the deposition of the name(s) and employment position(s) of the individual(s) designated to testify on its behalf as well as the topic(s) on which such individual(s) is designated to testify.

PLEASE TAKE FURTHER NOTICE that Plaintiffs reserve the right to supplement or amend this notice and/or Schedule A as well as the right to take further depositions of Defendants pursuant to Rule 30(b)(6).

**HAITIAN-AMERICANS UNITED, INC.,
BRAZILIAN WORKER CENTER,
CHELSEA COLLABORATIVE, INC., and
CENTRO PRESENTE**

By their attorneys,

/s/

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Dated:

CERTIFICATE OF SERVICE

I hereby certify that on _____, the within document was served on counsel for Defendants by e-mail and first class mail, as follows:

Elliott M. Davis, Esq.
Trial Attorney
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/s/ Patrick M. Curran, Jr.

Patrick M. Curran, Jr.

SCHEDULE A

Examination is requested concerning the subject matters described below. Pursuant to Fed. R. Civ. P. 30(b)(6), you are required to designate one or more officers, directors, managing agents, or other persons who consent to testify on your behalf, as to information known or reasonably available to you with respect to the subject matters listed below.

DEFINITIONS AND INSTRUCTIONS

The definitions set forth in Local Rule 26.5 are incorporated by reference. In addition, the following specific definitions apply:

1. The terms “Census Bureau,” you, and your means the United States Census Bureau, as well as its officers, employees, agents, and attorneys.
2. The term “Executive Order 13880” means Executive Order No. 13880, *Collecting Information about Citizenship Status in Connection with the Decennial Census* (July 11, 2019), 84 Fed. Reg. 33821, issued on July 11, 2019.
3. The term “July 21, 2020 Memorandum” means the Presidential Memorandum entitled *Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census*, 85 Fed. Reg. 44679, 44680 (July 23, 2020), issued on July 21, 2020.
4. The term “Methodological Options Working Group” refers to the working group convened by the Census Bureau on or about August 3, 2020, in response to the July 21, 2020 Memorandum.
5. The term “September 18 Press Secretary Statement” refers to the Statement from the White House Press Secretary issued on September 18, 2020 and available at:
<https://www.whitehouse.gov/briefings-statements/statement-press-secretary-091820/>.

6. The term “undocumented immigrants” refers to any and all persons referred to or intended to be included within the term “aliens who are not in a lawful immigration status,” as that term is used in the July 21, 2020 Memorandum, as well as to any and all persons referred to or intended to be included within the term “illegal aliens,” as that term is used in the September 18 Press Secretary Statement.

7. The term the “Policy” refers to the policy of the United States, as announced in the July 21, 2020 Memorandum, to exclude illegal aliens from the apportionment base.

8. The term “legal aliens” refers to any and all foreign-born persons legally admitted to and present in the United States under the Immigration and Nationality Act, including but not limited to conditional and permanent residents and legal nonimmigrants.

9. The relevant time period for these topics is June 1, 2019 to the present.

10. All other terms used within this document, including any terms used, but not specifically defined, within the Definitions section, possess their customary or standard meaning.

11. For all purposes herein, all spelling, syntax, grammar, abbreviations, idioms, and proper nouns shall be construed and interpreted to give proper meaning and consistency to their context.

MATTERS FOR EXAMINATION

1. The Census Bureau’s actions taken in response to, in furtherance of, or to comply with or implement the July 21, 2020 Memorandum, including without limitation:

- (a) The Methodological Options Working Group and its formation, deliberations, projects, timeline, and work product;
- (b) The methodologies and options to be employed in effectuating, or studying the feasibility of effectuating, the Policy;

- (c) The potential, partial, or actual use of statistical sampling in effectuating the Policy;
- (d) The “continuing preparations to execute the President’s policy not to include illegal aliens in the apportionment base,” as described in the September 18 Press Secretary Statement and;
- (e) The collection and use of administrative data in effectuating, or studying the feasibility of effectuating, the Policy.

2. The Census Bureau’s evaluation and conclusions concerning:

- (a) The feasibility of implementing the Policy;
- (b) The timeline for determining and reporting on the feasibility of implementing the Policy to the President or to the public; and
- (c) The extent to which partial or full compliance by the Census Bureau with the July 21, 2020 Memorandum is or is not feasible.

3. The Census Bureau’s actions taken in response to, in furtherance of, or to comply with or implement Executive Order 13880, including without limitation any and all interagency working groups established pursuant to Section 3 of Executive Order 13880 and any and all administrative records requested from or received by the Census Bureau pursuant to Executive Order 13880.

4. The Census Bureau’s contemplated and actual methodologies for ensuring that the Bureau does not misidentify, mislabel, and/or exclude U.S. citizens, legal permanent or conditional residents, and other legal aliens from the congressional apportionment base in seeking to effectuate the Policy.

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